

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT TURNER,

Defendant.

Case No. 17-cr-40035-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Robert Turner's Motion for Copies, including his docket sheet and sentencing transcripts. (Doc. 71)

Defendants have no constitutional right to a complimentary copy of any document in their court files. *See United States v. Groce*, 838 F. Supp. 411, 413, 414 (E.D. Wis. 1993). Before providing copies free of charge, a district court may require the requestor to show: (1) that he has exhausted all other means of access to his files (i.e., through his trial and appellate counsel), (2) that he is financially unable to secure access to his court files (i.e., through a showing similar to that required in 28 U.S.C. § 1915(a)(2) which includes a certified copy of the prisoner's trust account for the previous six-month period prior to filing), and (3) that the documents requested are necessary for some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir. 1977); *Groce*, 838 F. Supp. at 413-14. These minimal requirements do not impose any substantial burden to financially unable prisoners who desire their records be sent to them at government expense. Defendant does not show that he has exhausted all other means of access i.e. through trial counsel Judith Kuenneke, has not made a showing of indigency through a

copy of his trust account, and has not demonstrated that the copies are necessary for a legitimate court action.

Regarding transcripts, a defendant has a right to a free transcript under limited circumstances. This right is dependent upon: (1) whether the defendant can establish that she is indigent, and (2) whether the transcript is needed to decide an issue presented by a pending and non-frivolous action. See 28 U.S.C. § 753(f). These requirements do not violate the Constitution. *See United States v. MacCollom*, 426 U.S. 317 (1976). Finding that Defendant has not shown that he is indigent or that the transcript is needed for a non-frivolous action, the Court will deny Defendant's request for transcripts at this time.

The Court hereby DENIES Turner's Motion for Sentencing Transcripts and other copies (Doc. 71).

**IT IS SO ORDERED.
Dated: January 3, 2023**

/s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE